an image capture system for producing time-dependent images of the objects.

REMARKS

Claims 1-7 are pending in this application

In the Office Action, claims 1-7 were rejected under 35 U.S.C.§103(a) as being unpatentable over U.S. Patent No. 5,291,564 to Shah et al. in view of U.S. Patent No. 4,992,649 to Mampe et al.

In view of the remarks that follow, Applicants respectfully traverse the Examiner's rejection of the claims.

Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claims 1-7 under 35 U.S.C. §103(a) as being unpatentable over Shah et al. in view of Mampe et al.

Applicants respectfully submit that Shah et al. and Mampe et al., taken singly or in combination, do not disclose, at least a combination including "an image capture system for producing time-dependent images of the objects," as recited in claim 1, for example.

Shah et al. discloses an optical scanning system that acquires an optical target by acquiring and reading an optically readable label (4). The optically readable label (4) is affixed to a surface of a package that includes polygons or information encoded cells. The polygons represent data for decoding by the optical scanning system. Shah et al. merely discloses an optical scanning system that reads an optically readable label. There is nothing in Shah et al. that discloses a combination including an "image capture system for producing electronic images of the objects."

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Mampe et al. discloses a system for scanning with a bar code detector/scanner to detect existing codes. The item is also scanned at a window detector to detect presence of a plastic window covering on an envelope or other information, which later improves an optical character reader recognition, which processes the image, and is then scanned at a high resolution video image scanner. The video data of the existing codes and the presences of a plastic window covering is digitized and stored temporarily in an image frame. Mampe et al. merely discloses scanning a item to detect existing codes and to detect the presences of a plastic window covering on an envelope and not the image of the object. There is nothing in Mampe et al. that discloses a combination including an "image capture system for producing time-dependent images of the objects."

Accordingly, neither Shah et al. nor Mampe et al. alone or in combination discloses an "image capture system for producing electronic images of the objects."

In rejecting claim 1, the Examiner has failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. *See* M.P.E.P §2143.03 (8th ed. 2001). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements

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must "be found in the prior art, and not based on Applicant's disclosure." *See* M.P.E.P. §2143 (8th ed. 2001).

In rejecting claim 1, Applicants respectfully submit that the Examiner has not shown that a modification of other references would provide the artisan or one of ordinary skill with a suggestion or motivation to combine the references to include the combination of elements of claim 1.

Claim 1, for example, recites a system for capturing information about objects that includes an "image capture system for producing time-dependent images of the objects." Neither reference either alone or in combination includes the claimed combination. Furthermore, the reference provides no teaching or suggestion that would motivate a person of ordinary skill in the art that the proposed combination of the reference would have a reasonable expectation of success to achieve the recited combination. Statements by the Examiner that the combination would provide an improved and alternative method to confirm or acknowledge of sending/receiving of the packages/parcels by analyzing captured electronic images manually when a scanner fails to successfully read-in the bar-code information does not meet the burden of showing the necessary motivation to make the proposed modification and is insufficient to support the rejection.

Because the references fail to disclose the combination of elements of claim 1 and the Examiner failed to make a *prima facie* case of obviousness, Applicants respectfully request the withdrawal of the rejection and the allowance of claim 1.

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In regards to claims 3 and 4, the Examiner admitted that Shah et al. fails to teach or fairly suggest using time stamp information. However, the Examiner alleged Mampe et al. teaches tagging the scanned images with time and date information. Applicants respectfully disagree with the Examiner's assertions.

Applicants respectfully submit that Shah et al. and Mampe et al., taken singly or in combination, do not disclose, at least, a combination including wherein "the object dimension information, object identification information, and electronic images each have time stamp information associated therewith," as recited in claim 3 for example. Additionally, Applicants respectfully submit that Shah et al. and Mampe et al., taken singly or in combination, do not disclose, at least, a combination including wherein an "object dimension information, object identification, and electronic images of an object are correlatable based on the time stamp information," as recited in claim 4 for example.

Mampe et al. merely discloses information on production, productivity, distribution, etc., is readily consolidated of each item and each item is scanned and tagged with an item code. The tag or sequence number contains time and date information. There is nothing in Mampe et al. that disclose time stamped information associated with object dimension information, object identification information and electronic images. Accordingly, there is nothing in Shah et al. and Mampe et al., taken singly or in combination, that discloses a combination including at least "object dimension information, object identification information, and electronic images each have time stamp associated therewith," as recited in claim 3; and "object dimension

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information, object identification information, and electronic images of an object are correlatable based on the time stamp information," as recited in claim 4.

Accordingly, Applicants respectfully request the withdrawal of the rejection and the allowance of claims 3 and 4.

Dependent claims 2 and 5-7, are allowable by virtue of such dependency and for the reasons above with regard to allowable base claim 1.

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: August 21, 2002

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APPENDIX TO AMENDMENT OF AUGUST 21, 2002

Version with Markings to Show Changes Made

Amendments to the Claims

1. (Amended) A system for capturing information about objects moving relative to the system comprising:

an object dimensioning system for producing object dimension information for the objects;

an object identification system for producing object identification information for the objects; and

an image capture system for producing [electronic] time-dependent images of the objects.

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